



Paper 6

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In re Application of
Hirose et al.
Application No. 09/821,046
Filed: March 30, 2001
Attorney Docket No. 2001-0386

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed February 28, 2002, to revive the above-identified reissue application. This petition is first being treated under 37 CFR §1.181(no fee) petition to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **DISMISSED**.
The petition to revive under 37 CFR § 1.137(b) is **GRANTED**.

This above-identified application became abandoned for failure to file a complete response to a Notice to file Missing Parts of Reissue Application which was mailed on June 15, 2001. The Notice to File Missing Parts of Reissue Application set a two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). A Notice of Incomplete Reply was mailed on January 28, 2002. Accordingly, this application became abandoned on August 16, 2001. This decision precedes the mailing of a Notice of Abandonment.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner contends the Notice of Missing Parts should be withdrawn because petitioner submitted a response on August 15, 2001, indicating there was an error in the Notice of Missing Parts. However, the Notice of Missing Parts was two fold. The Notice required petitioner to submit additional claim fees and an executed declaration. The validity or invalidity of petitioner's argument that additional claim fees were not required did not absolve petitioner from having to submit an executed declaration. The showing of record is insufficient to warrant withdrawal of the holding of abandonment.

PETITION TO REVIVE 37 CFR 1.137(B)

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

The Office acknowledges receipt of the declaration submitted with the instant petition.

This application is being forwarded to the Office of Initial patent Examination Division for further processing of the application.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

A handwritten signature in cursive script, reading "Charlema R. Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy